

ORDINANCE NO. 1064

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN  
DIMAS PERTAINING TO STORM WATER MANAGEMENT AND  
DISCHARGE CONTROL

The City Council of the City of San Dimas does hereby ordain:

SECTION 1. FINDINGS.

The San Dimas City Council finds and declares:

A. The City of San Dimas' storm and surface water drainage system is planned, designed and operated to handle storm water and urban runoff flowing from public and private properties. In order to function effectively, this system requires that all private connections to the drainage system be properly constructed, maintained and operated.

B. Storm water and urban runoff from properties flow onto streets, then through storm drains to the San Gabriel River, which then flows to Long Beach Harbor. Therefore, it is in the public interest to ensure that both public and private drainage systems are properly constructed, maintained, and operated in order to facilitate the proper functioning of the City's storm and surface water drainage system and to prevent pollutants from entering the Long Beach Harbor.

C. Pollutants have been found in storm water and urban runoff flows which may have damaging effects on both human health and aquatic ecosystems, and discharges from storm water and urban runoff are sources of pollutants which may be contributing to the impairment of the water quality and beneficial uses of the receiving water bodies in Los Angeles County

D. Federal and State laws have been adopted to protect these receiving water bodies that require the City of San Dimas to implement procedures to prevent and/or reduce the entry of pollutants and non-storm water discharges into the City's storm drain system to the maximum extent practicable to help improve the quality of water.

E. To meet this requirement, the City of San Dimas is a Co-Permittee with the County of Los Angeles and other incorporated cities under a Los Angeles County National Pollutant Discharge Elimination System (NPDES) Municipal Permit whose main goal is to develop a county-wide storm water management program.

## SECTION 2. PURPOSE AND INTENT.

A. This Ordinance is intended to protect the health, safety, and general welfare of citizens by establishing regulations to reduce pollutants to the maximum extent practicable, and increasing the quantity and quality of storm water and urban runoff, in a cost-effective manner for private and publicly owned properties, new developments, and construction sites by controlling the discharge of materials, other than storm water, to the municipal separate storm sewer system (MS4) and water courses, except where such discharges are:

1. In compliance with a separate individual or general NPDES permit, or
2. Granted a discharge exemption by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), the Executive Officer of the Regional Board or the State Water Resources Control Board

B. The intent of this Ordinance is to protect and enhance the water quality of watercourses, water bodies, wetlands and receiving waters of the United States in a manner pursuant to and consistent with the guidelines of the Federal Clean Water Act, and acts amendatory thereof or supplementary thereto, all applicable implementing regulations, and existing or future NPDES Permits and any amendment, revision or reissuance thereof.

SECTION 3. Chapter 14.10 of the San Dimas Municipal Code is hereby deleted.

SECTION 4. Chapter 14.11 is hereby added to the San Dimas Municipal Code to read as follows:

### Chapter 14.11

#### STORM WATER MANAGEMENT AND DISCHARGE

14.11.010 Definitions. In addition to the Glossary of Terms found in Attachment D to the Los Angeles County Municipal Storm Water Permit Order No. 96-054, the following words and phrases shall have the following specific meanings:

"Area Susceptible to Runoff" - is any surface directly exposed to precipitation or in the path of runoff caused by precipitation that leads directly to neighboring properties or to the street.

"Authorized Enforcement Officer" - is the City's Code Enforcement Office and the Director of Public Works, including any person so designated by the Director of Public Works.

"Best management practices" ("BMPs") means storm water pollution control practices applicable to existing properties that significantly reduce and control storm water runoff and prevent non-storm water runoff pollution from entering the storm drain system and the Pacific Ocean.

"City" - is the City of San Dimas

"Code" means the San Dimas Municipal Code.

"Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

"Disturbed area" means an area altered as a result of clearing, grading and/or excavation of earth.

"Gray Water" - is water that is discharged from sinks, showers, tubs, washing machines, dishwashers, and garbage disposals.

"Hazardous waste" means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code and any substance designated pursuant to 40 CFR 302. This includes unlisted hazardous substances that are solid wastes, as defined in 40 CFR 261.2, that are not excluded from regulation as hazardous wastes under 40 CFR 261.4(b) if they exhibit any of the characteristics identified in 40 CFR 261.20 through 261.24.

"Illicit connection" means any device that is connected to the storm drain system that conveys an illicit discharge.

"Illicit discharge" means any discharge into the storm drain system that is not composed entirely of storm water, except for the following:

(A) Any discharge in compliance with a separate NPDES construction or building permit issued to a discharger, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws.

(B) Any discharge granted a discharge exemption by the California Regional Water Quality Board, Los Angeles Region, the Executive Officer of the aforesaid Board or an authorized representative or the State Water Resources Control Board.

(C) Discharges resulting from:

- (1) flows from riparian habitats or wetlands;
- (2) diverted stream flows;
- (3) springs;
- (4) rising ground waters;
- (5) uncontaminated groundwater infiltration;

- (6) discharges or flows from emergency fire fighting activities;
- (7) landscape irrigation;
- (8) water line flushing;
- (9) potable water sources provided the discharges are managed in accordance with an approved industry-wide Standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document;
- (10) fountain drains;
- (11) footing drains;
- (12) air conditioning condensation;
- (13) irrigation water;
- (14) lawn watering;
- (15) water from crawl space pumps;
- (16) dechlorinated swimming pool discharges;
- (17) individual residential car washing;
- (18) street or sidewalk washing; and
- (19) discharges specifically allowed by the law.

"New Development" - includes all construction on unimproved properties, as well as all construction on improved properties which will result in: (1) an increase of fifty percent (50%) or greater in the size of a single-family home; (2) an addition of one or more dwelling units to a multi-family structure; or (3) improvements valued at fifty percent (50%) or more of the value of existing improvements on non-residential property.

"Non-storm water runoff" means the flow of any fluid that is not entirely composed of storm water.

"NPDES" means the National Pollutant Discharge Elimination System.

"NPDES construction permit" means a permit issued by the Regional Water Quality Control Board to owners/developers for construction activity for sites five acres in size or larger to control sediment and other pollutants from entering the storm drain system.

"NPDES industrial permit" means a permit issued by the Regional Water Quality Control Board to owners/developers of specific categories of industrial facilities identified in federal regulations to discharge storm water into the storm drain system.

"Storm drain system" means those facilities that convey storm water runoff and suspended solids to the waters of the United States, including streets, alleys, roads, ditches, curbs, gutters, catch basins, conduits, streams, channels, creeks and rivers.

"Storm water" means water that originates from atmospheric moisture (rainfall, hail, snow or snowmelt) and that falls onto land, water or other surfaces.

"Storm water pollution prevention plan" ("SWPPP") means the operator/owner-prepared plan that identifies BMPs for implementation and monitors the effectiveness of the BMPs for a specific commercial/industrial facility.

"Storm water runoff" means the surface flow of storm water.

"Urban runoff" means fluid flows originating from precipitation and other sources found in the storm drain system.

14.11.020 Responsibility for Administration. This Chapter shall be administered by the Office of the City Engineer.

14.11.030 Prohibited Activities.

A. Illicit Discharges and Connections. No person shall cause or permit illicit discharges to be made into the City's storm drain system, nor shall any person establish, use, maintain or continue an illicit connection to the City's storm drain system. All illicit connections shall be removed.

B. Littering. No person shall throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained or kept, any refuse, rubbish, garbage, leaves, dirt, landscape debris, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in the City, so that the same might be or become a pollutant, except in containers, recycling bags or other lawfully established waste disposal facilities. It is illegal to dump, discard, abandon or otherwise deposit any refuse where the natural flow of storm water might carry the same to any such flood water channel or structure, or in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere in the City.

C. Industrial Activities. No person shall conduct any industrial activity in the City without obtaining all permits required by state or federal law, including a NPDES General Industrial Activity Storm Water Permit, when required. Each industrial discharger associated with construction activity or other discharger described in any general storm water permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, Los Angeles Region shall provide notice of intent to comply with and undertake all other activities required by any general storm water permit applicable to such discharges. Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake all activities required by such permit.

D. Discharge in Violation of Permit. Any discharge, either separately considered or when combined with other discharges, that would result in, or contribute to a violation of NPDES Permit Order No. 96-054, (which is available for viewing at San Dimas City Hall, City Engineer's Office), and any amendment, revision or re-issuance thereof, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge and such person(s) shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

E. The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned is prohibited.

F. The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations is prohibited.

G. To the maximum extent practicable, discharges to the MS4 from areas where repairs of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, are made, is prohibited.

H. The discharge of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials is prohibited.

I. The discharge of commercial/municipal swimming pool filter backwash to the MS4 is prohibited.

J. The discharge of untreated runoff from the washing of toxic materials from paved or unpaved areas to the MS4 is prohibited.

K. The washing of impervious surfaces in industrial/commercial areas that results in a discharge of untreated runoff to the MS4, unless specifically required by State or local health and safety codes, is prohibited or must be controlled to the maximum extent practicable.

L. The discharge from washing out concrete trucks to the MS4 is prohibited.

M. Industrial/commercial motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water shall be swept, or some other equally effective measure taken, to remove debris on a regular basis.

N. The placement of machinery/equipment that is to be repaired or maintained shall be such that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.

O. Illicit discharges and illicit connections to the MS4 is prohibited.

P. In order to control spills, dumping, or disposal of materials to the MS4 the following are prohibited:

- (1) Littering .
- (2) The disposal of leaves, dirt, or other landscape debris into a storm drain.
- (3) The discharge to the MS4 of any pesticide, fungicide, or herbicide banned by either the USEPA or the California Department of Pesticide Regulation.
- (4) The improper disposal of food wastes .
- (5) The disposal of hazardous wastes into trash containers used for municipal trash disposal so as not to cause a discharge to the MS4.

Q. In areas exposed to storm water, the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other materials which have potential adverse impacts on water quality is required.

14.11.040 Requirements for Existing Properties. Any owner or occupant of property within the City shall comply with the following requirements:

A. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. In addition, washing down of paved areas is prohibited, unless necessary for health or safety purposes as determined by the Director of Public Works, and is not in violation of any other provision of this Code. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.

B. The storage of materials, machinery and equipment, such as motor vehicle parts, containing grease, oil, or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be in areas susceptible to runoff.

C. Any machinery or equipment which is to be repaired in areas susceptible to runoff shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

D. The discharge of gray water to street or storm drains is prohibited.

14.11.050 Urban Storm Water Mitigation Plan for New Developments.

A. Prior to the submittal of an application for a new development project, an applicant shall submit to the Director of Public Works an Urban Storm Water Mitigation Plan.

B. The Urban Storm Water Mitigation Plan shall be designed to reduce projected runoff for a project through incorporation of design elements or principles that address the following goals in connection with both construction and long-term operation of the site:

1. Implement to the maximum extent practicable, requirements established by appropriate government agencies under CEQA, Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts from storm water runoff on the biological integrity of natural drainage systems and water bodies.
2. Maximize, to the maximum extent practicable, the percentage of permeable surfaces to allow more percolation of storm water into the ground.
3. Minimize, to the maximum extent practicable, the amount of storm water directed to impermeable areas and to the MS4.
4. Minimize, to the maximum extent practicable, parking lot pollution through the use of appropriate BMPs such as retention, infiltration and good housekeeping.
5. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which soil may be exposed and, in certain sensitive cases, the prohibition of bare soil.
6. Provide for appropriate permanent controls to reduce storm water pollutant load produced by the development site to the maximum extent practicable.

C. The City's evaluation of each Urban Storm Water Mitigation Plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection (B) above. In addition, the City will analyze watershed characteristics and land uses and monitor or estimate water quality for each project. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

D. The Director of Public Works shall approve or disapprove the plan within fourteen (14) business days of submittal, or within fourteen (14) business days of approval of the development project by the Planning Commission, where such approval is required. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the Director of Public Works or his or her designee may be revised by the developer and resubmitted for approval. A resubmitted plan will be approved or disapproved within fourteen (14) business days of submission. Notwithstanding Planning Commission approval of a development project, no building permit shall be issued until an Urban Storm Water Mitigation Plan has been approved by the Director of Public Works.

E. Full or partial waivers of compliance with this Section may be obtained by persons who apply on forms supplied by the City and show that incorporation of design elements that address the



objectives set forth in subsection (B) above is an economic and physical impossibility due to the particular configuration of the site or due to irreconcilable conflicts with other City requirements. Requests for waivers must be approved, in writing, by the Community Development Department, the Public Works Department, and the Division of Building and Safety.

F. Compliance with an approved Urban Storm Water Mitigation Plan shall be a condition of any required planning approval.

G. Failure to comply with an approved Urban Storm Water Mitigation Plan after receiving any required planning approval shall be a misdemeanor.

#### 14.11.060 Requirements for Construction Projects.

A. No grading permit shall be issued for developments with disturbed areas of five acres or greater unless the applicant can show that:

1. A notice of intent (NOI) to comply with the State Construction Activity Storm Water Permit has been filed, and
2. A Storm Water Pollution Prevention Plan (SWPPP) has been prepared.

B. In addition to any adopted BMPs or other requirements for construction projects adopted by the City, the following requirements shall apply to all projects undergoing construction in the City. The requirements set forth below shall apply at the time of demolition of an existing structure or commencement of construction and until the project receives final occupancy/clearance from the City.

1. Sediment, construction waste and other pollutants from construction sites and parking areas, including runoff from equipment at construction sites, shall be retained on the site to the maximum extent practicable.
2. Any sediments or other materials that are not retained on the site shall be removed the same day as they leave the site. Where determined necessary by the Director of Public Works, or a designated representative, a temporary sediment barrier shall be installed.
3. On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

4. Excavated soil shall be located on the site in a manner that minimizes the amount of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed.
5. No washing of construction or other industrial vehicles shall be allowed on a construction site or property adjacent to a construction site.
6. Drainage controls shall be utilized as needed, depending on the extent of the proposed grading and topography of the site, including but not limited to the following:
  - (a) Detention ponds, sediment ponds, or infiltration pits.
  - (b) Dikes, filter berms or ditches.
  - (c) Down drains, chutes or flumes.

C. The City may, as a condition of granting a permit, set forth reasonable limits on the clearing of vegetation from construction sites, including, but not limited to, regulating the length of time during which soil may be bare, and, in certain sensitive cases, prohibiting bare soil.

D. Project plans must include a narrative discussion of the reasons used for selecting or rejecting BMPs. In lieu of a narrative, the project architect or engineer of record may sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities."

#### 14.11.070 Public Agency Activities

A. The City will assist in the development of a county-wide model program to reduce the impact of public agency activities on storm water quality that will include a discussion on the ongoing investigation of the feasibility of dry weather flow diversion from the MS4 to municipal waste water treatment plans. The model program shall incorporate existing regulations, requirements and plans, such as waste minimization plans, spill prevention control and countermeasures, and business plans.

B. Additionally, the City will develop a City-wide program that will address the following public agency areas:

1. Sewage Systems Operations
2. Public Construction Activities Management
3. Vehicle Maintenance/Material Storage Facilities Management
4. Landscape and Recreational Facilities Management
5. Storm Drain Operation and Management

6. Streets and Roads Maintenance
7. Parking Facilities Management
8. Public Industrial Activities
9. Emergency Procedures

14.11.080 Public Information and Participation Program. The City will work collaboratively to develop a comprehensive county-wide outreach/education program. The Department of Public Works will implement an immediate public outreach program by preparing written materials, outreach tools, and activities to help raise public awareness of storm water issues. In addition, the Department of Public Works, along with other City Departments, shall conduct informational programs on storm water pollution for residents and business persons who operate within the City in an attempt to measurably:

1. Increase the knowledge of the audience targeted regarding the MS4, the impacts of storm water pollution on receiving waters, and potential solutions for the target audiences to implement BMPs to reduce the problems caused.
2. Change the behavior of target audiences by encouraging those audiences to implement appropriate solutions.

14.11.090 Inspection

A. Routine or Area Inspections - Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, inspections shall be based upon such reasonable selection process as may be deemed necessary to carry out the objectives of this Chapter, including but not limited to, random sampling and/or sampling in areas with evidence of storm water contamination, discharges of non-storm water to the City's storm drain system, discharges which are not pursuant to a NPDES permit, or similar factors.

B. Inspection for Reasonable Cause - Whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this Chapter, the officer may, upon consent or upon obtaining an inspection warrant, enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this Chapter.

14.11.100 Penalties for Failure to Comply

A. Except as otherwise provided in this Chapter, for the first failure to comply with any provision of this Chapter, the Director of Public Works, or his or her designee, shall issue to the affected person a written notice that includes the following information:

1. A statement specifying the violation committed.
2. A specified time period within which the affected person shall correct the failure or file a written notice disputing the notice of violation.
3. A statement of the penalty for continued noncompliance.

B. Each subsequent failure to comply with any provision of this Chapter following written notice issued pursuant to paragraph (A) above shall constitute a misdemeanor or an infraction punishable as provided in Chapter 1.12 of the San Dimas Municipal Code. Each day during which a person fails to comply with the provisions of this Chapter following written notice shall constitute a separate offense.

C. A violation of any provision of this Chapter is declared to be a public nuisance and the City is authorized to abate such violation by means of a civil action.

D. The penalties and remedies established by this Section shall be cumulative.

14.11.110 Disclaimer of Liability. The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Chapter shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

14.11.120 Taking. The provisions of this Chapter shall not operate to deprive any property owner of any constitutionally protected right. If a property owner claims that application of this Chapter to a specific project would deprive the property owner of a constitutionally protected right, then such property owner shall make application to the City and the City may allow additional land uses, but only to the extent necessary to avoid depriving the property owner of a proven constitutionally protected right. In any such application the burden shall be on the property owner to demonstrate that strict application of this Chapter would cause the deprivation of a constitutionally protected right. Such additional land uses shall be consistent with and carry out the purposes of this Chapter as set forth herein, and shall not be inconsistent with any other Federal, State, or local laws, including but not limited to the City's General Plan.

#### SECTION 5. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof,

irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.


SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law. This Ordinance shall go into effect and be in full force and effect thirty (30) days after its passage.

PASSED, APPROVED AND ADOPTED this 28th day of January, 1997



Mayor


ATTEST:

  
City Clerk

I, PAMELA JACKSON, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1064 was regularly introduced at the regular meeting of the City Council on January 14, 1997, and was thereafter adopted and passed at the regular meeting of the City Council on January 28, 1997, by the following vote:

AYES:	Councilmembers Bertone, Ebner, McHenry, Templeman, Morris
NOES:	None
ABSENT:	None
ABSTAIN:	None

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1064 to be published in the Inland Valley Daily Bulletin.

  
City Clerk